

ENF Environmental Notification Form

For Office Use Only
Executive Office of Environmental Affairs
 EOE No.: *14181*
 MEPA Analyst: *Anne Canaday*
 Phone: 617-626-*1035*

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Boulderwood Subdivision		
Street: Bartholomew Street		
Municipality: Peabody / Lynn	Watershed: North Coastal	
Universal Transverse Mercator Coordinates:	Latitude: 42° 30' 19" N	Longitude: 70° 58' 03" W
Estimated commencement date: 03/01/2008	Estimated completion date: 12/15/2016	
Approximate cost: \$42,400,000.00	Status of project design: 100 % complete	
Proponent: David J. Solimine, Jr., Trustee of the MJ II Realty Trust		
Street: 426 Broadway		
Municipality: Lynn	State: MA	Zip Code: 01904
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Peter J. Ogren, P.E., P.L.S.		
Firm/Agency: Hayes Engineering, Inc.	Street: 603 Salem Street	
Municipality: Wakefield	State: MA	Zip Code: 01880
Phone: (781) 246-2800	Fax: (781) 246-2800	E-mail: pogren@hayeseng.com

Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?
 Yes No

Has this project been filed with MEPA before?
 Yes (EOEA No. _____) No

Has any project on this site been filed with MEPA before?
 Yes (EOEA No. _____) No

Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:

- a Single EIR? (see 301 CMR 11.06(8)) Yes No
- a Special Review Procedure? (see 301 CMR 11.09) Yes No
- a Waiver of mandatory EIR? (see 301 CMR 11.11) Yes No
- a Phase I Waiver? (see 301 CMR 11.11) Yes No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): **NONE**

Are you requesting coordinated review with any other federal, state, regional, or local agency?
 Yes (Specify _____) No

List Local or Federal Permits and Approvals:
Peabody Planning Board Definitive Subdivision Approval, November 29, 2007
Superseding Order of Conditions, DEP File #055-0609, issued June 14, 2007
National Pollution Discharge Elimination System (NPDES) General Permit for Stormwater Discharge.

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Land | <input type="checkbox"/> Rare Species | <input type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water | <input checked="" type="checkbox"/> Wastewater | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air | <input type="checkbox"/> Solid & Hazardous Waste |
| <input type="checkbox"/> ACEC | <input type="checkbox"/> Regulations | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input type="checkbox"/> Order of Conditions <input checked="" type="checkbox"/> Superceding Order of Conditions <input type="checkbox"/> Chapter 91 License <input type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input checked="" type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input checked="" type="checkbox"/> Other Permits <i>(including Legislative Approvals) – Specify:</i> <u>Water Tank for City of Peabody</u> <u>DEP, BRP WS 32</u> <u>Distribution Modifications</u>
Total site acreage	58.6			
New acres of land altered		45.0±		
Acres of impervious area		14.2	14.2±	
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		0		
Acres of new non-water dependent use of tidelands or waterways		0		
STRUCTURES				
Gross square footage				
Number of housing units	0	110	110	
Maximum height (in feet)	0	35	35	
TRANSPORTATION				
Vehicle trips per day	0	+ 1,053	1,053	
Parking spaces	0	+ 220	220	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	0	+ 47,000	47,000	
GPD water withdrawal				
GPD wastewater generation/ treatment	0	+ 47,000	47,000	
Length of water/sewer mains (in miles)	0	1.35	1.35	

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

Yes (Specify _____) No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

Yes (Specify _____) No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?
 Yes (Specify _____) No – Based upon review of Priority Habitats and Estimated Habitats, Effective 10/01/07

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?
 Yes (Specify _____) No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?
 Yes (Specify _____) No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?
 Yes (Specify _____) No

PROJECT DESCRIPTION: The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (*You may attach one additional page, if necessary.*)

The proposed Boulderwood subdivision consists of approximately 58.6 acres of land located southerly of Bartholomew Street in Peabody, and northerly of Sunset Road and Den Quarry Road in Lynn. The site is divided by an existing 240 to 250-foot wide parcel of land owned by New England Power Company. The existing site has topographic relief that ranges from approximately elevation 107 near Bartholomew Street to 270 near the new water tank location. The site has two main watersheds with approximately 53% of the site flowing towards Bartholomew Pond and approximately 47% of the site flowing towards Cedar Brook in Lynn. The existing site consists of thin woods and brush with large outcrops of ledge and boulders.

The approved Definitive Plan creates 110 single-family residential building lots. The project has been issued a Superseding Order of Conditions under DEP File #55-0609 and does not require any resource area disturbance. The approval process has taken over twelve years due to numerous appeals and court cases. The project is now ready to proceed with the issuance of the Sewer Extension Permit and the Distribution System Modifications Permit for the water tank from the Massachusetts Department of Environmental Protection. The site will also require a NPDES permit from the Environmental Protection Agency prior to construction.

The project has been reviewed via various consultants during the long approval process, and the following mitigation measures have been agreed to:

- The project fully complies with the Massachusetts Stormwater Management Policy through the use of on-site measures, with total suspended solids removal rates exceeding 80%. The investment for on-site stormwater management treatments will exceed \$750,000.00.
- The project will result in reductions of approximately 30% for the peak rates of runoff from the existing conditions.
- The project proponent will provide funds for 2:1 infiltration inflow removal for the sewer system, approximately 96,000 gallons per day, as well as providing approximately \$287,000.00 of existing system upgrades. The estimated value of the I/I construction work is an additional \$350,000.00.
- The project proponent will fund and build a new water tank without cost to the City of Peabody, as well as the donation of the land that it will sit on to the City of Peabody, a mitigation cost of approximately \$1,300,000.00. The proponent will also fund approximately \$335,000 to install several thousand feet of new 12-inch water main upgrades in existing roadways at no cost to the City of Peabody.
- The project proponent will provide water mitigation by funding approximately \$100,000.00 for the replacement of 100 medium-sized water meters that are over 10 years old as part of the City's May 19, 2003 MA DEP Water Management Act permit.

- The proponent has provided a Blasting Plan from Maine Drilling and Blasting, Inc. for the proposed work on site.
- The proponent will establish a rock-crushing operation on site to provide construction materials for the site, as well as minimize the need for off-site truck traffic.
- The proponent will provide a park area, as well as place a permanent conservation restriction on several lots within the development to provide open space.
- The project is planned to be done in six phases, as shown on the enclosed phase plans. It is expected that build-out will take approximately eight (8) years. The proposed work will be done in strict compliance with the Stormwater Pollution Prevention Plan, and areas of disturbance will be kept to the minimum extent practicable.

As noted above, the mitigation measures for this project have already been well established through the numerous reviews and approvals during the twelve-year approval process. Consistent with the original submitted plans, the Peabody Planning Board, in the fall of 2007 after numerous reviews, approved the plan on November 29, 2007. This approval resulted in an "Agreement for Judgment", dated November 15, 2007, which was filed with the Land Court for judgment and contained Conditions of Approval for the Boulderwood Subdivision (attached). The Conditions of Approval include, among other items, the construction of the new water tank which has been established by the City of Peabody as a priority to address the existing inadequacies of the South Peabody Water Distribution System. These costly system improvements must be placed in operation and accepted by the City of Peabody before any release of any lots from the applicable Covenant.

The delays due to appeals and court cases have been a real burden on the proponent. The project in its current form is an Approved Definitive Subdivision Plan with an issued Superceding Order of Conditions from the Massachusetts Department of Environmental Protection. Requiring further modifications and local approvals would be an undue hardship for the applicant. It is our opinion that the project, as presently approved, is consistent with the Peabody Zoning By-Laws and Subdivision Rules and Regulations and should be allowed to proceed without the need of preparing an EIR under the provisions of 301 CMR 11.11, but going directly to obtaining the final permits from the Massachusetts DEP for the Sewer Extension Permit and Distribution System Modifications Permit for the water tank and the NPDES Permit from the EPA. Mitigation proposed is consistent with protecting the project's impacts, and no significant environmental impact will result from the project as currently approved. The mitigation measures currently in place, as noted in the attached Agreement for Judgment, outlines the terms and conditions that will cause benefits to infrastructure facilities and services in excess of those that would result in the absence of the waiver. The moving forward with the Boulderwood subdivision project is a keystone to the provision of the \$3,182,000.00 in mitigation measures. The continued delay of the construction of this project may result in the improvements not being provided, particularly with the existing economic outlooks.

We, therefore, respectfully request that the Secretary waive the requirements for the preparation of an EIR for this project.